

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-22 are pending in this application. Claims 1, 20, and 22 are independent. Claims 1, 2, 20, and 22 are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification and specifically on pages 29-31. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-7, 14-16, and 22 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,612,933 to Iso, et al.

Amended independent claim 1 now recites, *inter alia*:

“...wherein each of said plurality of operation modes **includes a predetermined combination of a disk rotation speed and an error handling mode.**” (Emphasis Added)

As understood by Applicants, U.S. Patent No. 5,612,933 to Iso, et al. (hereinafter, merely “Iso”) relates to reproducing recorded information with error detection and correction processing. Iso discloses a control device that switches a reproduction operation to a standard speed mode in response to a correction failure condition generated in a quadruple speed mode.

Applicants submit that nothing has been found in Iso that would disclose or suggest the above-identified features of amended independent claim 1. Specifically, Iso does not disclose or suggest that an operation mode includes a predetermined combination of a disk rotation speed and an error handling mode, as recited in claim 1.

Therefore, claim 1 is believed to be patentable.

For reasons similar to those described above, amended independent claim 22 is believed to be patentable.

III. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 8-13 and 19-21 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,612,933 to Iso, et al. in view of U.S. Patent No. 6,658,202 to Battaglia, et al.

Amended independent claim 1 now recites, *inter alia*:

“...wherein each of said plurality of operation modes **includes a predetermined combination of a disk rotation speed and an error handling mode.**” (Emphasis Added)

As understood by Applicants, U.S. Patent No. 6,658,202 to Battaglia, et al. (hereinafter, merely “Battaglia”) relates to battery powered device for transferring data between removable memory modules. Applicant submits that Battaglia does not provide the disclosure missing from Iso. Therefore, independent claim 20 is believed to be patentable.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

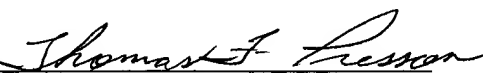
CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,
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